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**UNITED STATES BANKRUPTCY COURT  
FOR THE DISTRICT OF UTAH  
SOUTHERN DIVISION**

**IN RE:**

**CASE: 18-24577**

JERRY L. OWEN  
STACEY MARIE OWEN

**CHAPTER 13**

**Debtors**

**Hon. WILLIAM T. THURMAN**

Confirmation Hearing: 9/6/18 10:30 am

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**TRUSTEE'S OBJECTION TO CONFIRMATION AND RECOMMENDATION OF  
DISMISSAL UNDER 1307(c) IF UNABLE TO RESOLVE**

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Lon A. Jenkins, Chapter 13 Trustee, hereby objects to confirmation of the Debtor's plan and in support thereof represents as follows:

1. The Debtors filed a Chapter 13 petition for relief on June 20, 2018 and the First Meeting of Creditors under section 341 was held on August 03, 2018.
2. The Trustee objects to the Plan because it fails to include contribution of tax refunds in Part 2.3.
3. The Debtor(s) should establish notice of the Plan is proper as the separate certificate of service has not been filed for creditors listed in Part 3.2 or 3.4. See Federal Rule of Bankruptcy Procedure 3012 and 4003(d) and Local Rule 2083-2(h)(2) and (j)(2).

4. The Chapter 13 plan is unfeasible because the adequate protection payments and equal monthly payments less the Trustee's fees exceed the Debtors' Chapter 13 Plan payment. The Trustee cannot administer the claims unless the amount of the Debtors' Chapter 13 Plan payment is increased.

5. The Debtor(s) have failed to select a method of plan payments in Part 2.2 of the Plan

6. The Trustee objects to the Plan because it fails to clearly state the proposed return to non-priority unsecured creditors under Part 5.1.

7. The Debtor(s) have failed to select when the property of the estate will vest in the Debtors in Part 7.1 of the Plan.

8. The Plan fails to include a required non-standard provision in Part 8.1. See Local Rule 2083-2(f). The Plan fails to include language: The Local Rules of Practice of the United States Bankruptcy Court for the District of Utah are incorporated by reference in the Plan.

9. It appears the Debtors have erroneously listed a business on the Statement of Financial Affairs question number 27. If the Debtors are not associated with the business listed it should be removed.

WHEREFORE, the Trustee objects to confirmation of the Debtor's plan. If the Debtors are unable to resolve the objection by the confirmation hearing, the Trustee will move to dismiss or convert the case.

Dated: August 10, 2018

Lon A. Jenkins  
Chapter 13 Trustee

#### **CERTIFICATE OF SERVICE**

A true and correct copy of the foregoing Objection to Confirmation was served on the following parties on August 10, 2018:

JERRY L. OWEN and STACEY MARIE OWEN, 1294 WEST INDIAN HILLS DRIVE  
#20, SAINT GEORGE, UT 84770  
JEREMY R. MCCULLOUGH, ECF  
Notification

/s/ Chelsea Anderson

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